

REMARKS

The present amendment is responsive to the Office Action mailed in the above-referenced case on December 17, 2001, made Final. In the Office Action claims 6-9, and 14-16 are presented for examination. Claims 6-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Andrews et al. (USP 5,848,143) hereinafter Andrews in view of Gottlieb (US 5,920,621) hereinafter Gottlieb, or Lindeberg et al (US 6,094,479), hereinafter Lindeberg. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrews.

Applicant has studied the prior art provided by the Examiner in detail, and the Examiner's remarks in rejection of the claims. In response, the applicant herein argues the validity of the obviousness rejection presented by the Examiner.

Regarding claims 6-9, the Examiner states that Andrews differs from the claims in that Andrews does not teach the use of the SCP processor in the call processing system in the Internet to route incoming calls based on agent status. However, the Examiner continues, such a feature is well known in telephony. The Examiner states that both Gottlieb and Lindeberg teach an SCP for routing incoming telephone calls to available agents based on availability of those agents. The Examiner states that it would have been obvious to apply Gottlieb's or Lindeberg's teaching of using an SCP processor to appropriate operator/agent using operator/agent status in Andrews system with the motivation being to enhance call routing efficiency.

Applicant respectfully points out to the Examiner that the subject matter of applicant's invention as claimed is specifically for Internet telephony. Internet protocol network telephony (IPNT) calls are simulated by multi-media computer equipment, and data, such as audio data, is transmitted over data networks as data packets. Applicant argues that Gottlieb and Lindeberg do not teach a SCP capable of working in the Internet. Andrews also fails to teach an SCP in the Internet. Therefore, the combination of Andrews, Gottlieb and Lindeberg fails.

In the "Response to Arguments" portion of the Examiner's Office Letter, the Examiner states that applicant's argument that the prior art does not teach or suggest intelligent routing of IPNT calls at the data network level are not stated in the claims. Applicant respectfully points out that applicant's claim 6 specifically recites an initial call-processing system in the Internet receiving IPNT calls from customers in the Internet, and including a Service Control Point (SCP) processor routing the incoming IPNT calls to selected agent addresses at the at least one call center; characterized in that the SCP processor uses activity information, including one or more of call volume, agent status, and agent skills, received from the at least one call center to select the agent addresses at agent workstations in the at least one call center to route the incoming IPNT calls. Applicant argues that the claimed limitations above, constitutes intelligent routing. Further, applicant contends that the prior art does not teach or suggest a SCP in the Internet using activity information, including one or more of call volume, agent status, and agent skills, received from the at least one call center to select the agent addresses for routing a call, as claimed in applicant's invention.

Applicant's invention expands on a recent development in telephony art is what is known as Internet Protocol Network Telephony (IPNT), wherein conventional telephone calls are simulated between computers over the data network known as the Internet, using microphones and speakers operating with the computers and a graphical user interface operable on each connected computer. At the time of the present patent application such data networks are considered largely "dumb" networks rather than intelligent networks, although some routing is done. Calls are routed in the Internet, for example, by IP addresses, and IP switches and hubs are capable of altering the destination of data packets by controlling IP addresses.

Applicant argues that the SCP's of Lindeberg and Gottlieb could not possibly work in an Internet environment, accepting and routing Internet calls, or communicating with a router in Andrews or any other IPNT call center, and therefore the Examiner's statements of combining said references with Andrews would simply fail. Applicant believes that because Gottlieb, Lindeberg, and Andrews could not possibly work together, there could not be any valid suggestion or motivation in the art to make the combination.

Obviousness cannot be established by combining the teaching of the combined art to produce the claimed invention, absent some teaching or suggestion supporting the combination. Under section 103, teachings of references can be combined only if there is some suggestion or incentive to do so. The combined art could not produce applicant's claimed invention as argued above. The Examiner's statement that when Gottlieb and/or Lindeberg's SCP are used in Andrews's Internet telephony system, the SCP would then route Internet telephony calls in addition to regular telephone calls is simply not so. There is no enabling disclosure in Gottlieb or Lindeberg teaching that the SCP can route IPNT calls, or communicate with a router in any IPNT call center. Further, there is no enabling disclosure in the art of Andrews to teach the connection, or communication between the routing server 480 and a SCP in the Internet 408.

Applicant strongly argues that because the Examiner has not provided valid art showing a SCP in the Internet the obvious rejection fails. Applicant asserts that at the time of filing the present application service control points did not exist in the Internet. Internet routing nodes known in the art are simply not capable of doing skill based routing. These nodes are limited to using routing tables only. Applicant's invention provides a new and innovative approach to IPNT call routing wherein a SCP in the Internet has access to specific information from an IPNT capable call center to intelligently route IPNT calls at the data network level.

Applicant believes claim 6 is clearly patentable over the 103 rejection presented by the Examiner. Claims 7-9 are patentable at least as depended from a patentable claim.

Claim 14 recites a connection between an Internet routing server in the Internet and a database at the customer premises storing processed information about transactions in the call center, including at least one of call volume, agent status, or agent skills at the remote IPNT call center. As argued on behalf of claim 6 above, the prior art simply fails to provide this type of Intelligent routing at the Internet network level.

Applicant believes claim 14 is patentable over the prior art provided by the Examiner. Claim 15 is patentable at least as depended from a patentable claim.

Claim 16 is applicant's method claim associated with base claim 14. Claim 16 clearly recites a CTI processor having a connection to a database in the Internet wherein

the routing processor in the Internet uses the information in the database to perform intelligent routing for incoming IPNT calls.

As previously argued on behalf of claim 6 and 14 above, the prior art does not specifically teach any connections to routing processors, servers or nodes, in the Internet enabling intelligent routing of the incoming IPNT calls. Applicant believes this aspect is inventive and certainly not suggested, nor is a combination of the art suggested in the art of Andrews, Gottlieb or Lindeberg. Therefore, claim 16 is also patentable over the prior art presented by the Examiner.

As all of the claims presented by the applicant have been shown to be patentable over the prior art in this case, applicant respectfully requests reconsideration to allow the claims, and the case passed quickly to issue.

If any fees are due beyond fees paid with this amendment, authorization is made to deduct those fees from deposit account 50-0534. If any time extension is needed beyond any extension requested with this amendment, such extension is hereby requested.

Version With Markings to Show Changes Made

There are no changes herein made to the claims or the specification in the present Amendment.

Respectfully Submitted,
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by 

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